

East Walker River Oil Spill

Cooperation across Borders

CASE BACKGROUND

Date: December 30, 2000

Location: East Walker River, north of Bridgeport, CA, proceeding 15 miles downstream into Nevada

Product Spilled: 3,608 gallons of #6 fuel oil (1,758 gal. recovered)

Cause: Tanker truck crash in which the driver was killed

Response: Clean-up complicated by ice and sub-zero weather

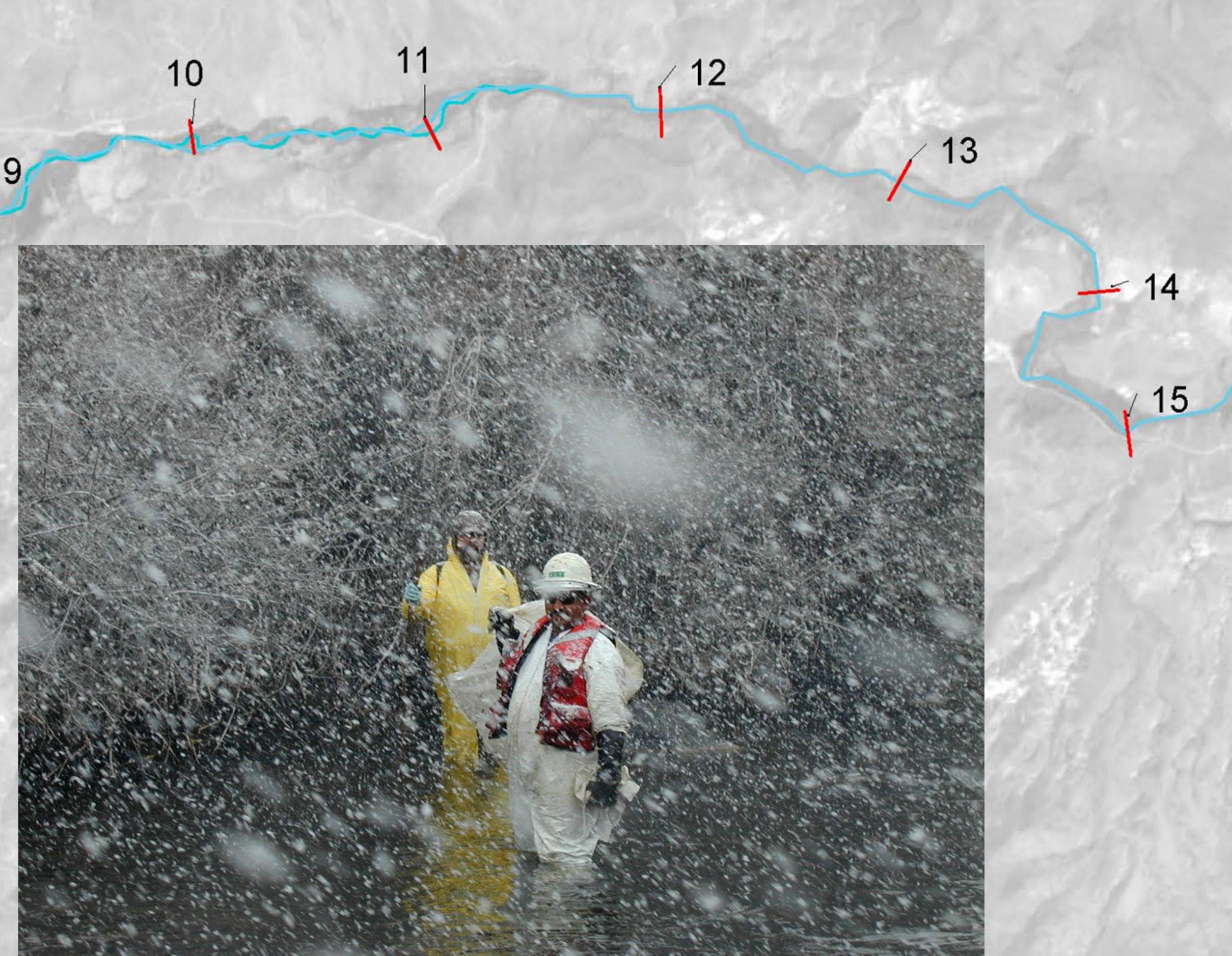
Resource Impacts: 15 miles of trophy trout stream in the eastern Sierra

RP: Advanced Fuel Filtration Systems, Inc.

Insurer: Zurich North America

RP Consultant: Polaris Applied Sciences

Trustees: US Fish and Wildlife Service
California Department of Fish and Game
Nevada Division of Environmental Protection
Nevada Department of Wildlife



Impact Site

IMMEDIATE COOPERATION DURING RESPONSE

At the beginning of an NRDA, many of the necessary tasks, such as the collection of samples, are obvious and apparent to all. In this case, that work proceeded quickly and cooperatively. Within days of the spill, NRDA representatives from all the trustee agencies and from the RP met on-site and were discussing ways to cooperatively proceed with the NRDA. Together, they agreed on an approach to quantify injuries and damages (Resource Equivalency Analysis for the stream habitat injury, and Benefits Transfer for the recreational fishing losses), collected samples together, and had the samples analyzed at a mutually-agreed upon lab.

PROGRESS WITHOUT AN M.O.U.

The entire cooperative NRDA was conducted without an MOU and largely by technical staff. Despite this, the RP was willing to front \$50,000 (via a short letter of agreement) to the trustees to pay for potential assessment costs and all sides were willing to abide by jointly-collected data. Studies included sediment, water column, and fish tissue sample analysis; macroinvertebrate surveys; and fish surveys.



OVERCOMING OBSTACLES

The RP and their insurer decided to conduct the NRDA without the aid of an attorney. The responsibility for managing the case largely fell to an insurance claims manager. Unfortunately, she was unfamiliar with NRDA and cooperative assessments. At one point, she forbade direct communication between Polaris and the trustees. This led to a deviation from cooperative work and ultimately to dueling reports, although they relied on jointly-collected data. Eventually, Polaris and the trustees impressed upon the claims manager to re-open the cooperative process. At that time, a compromise between the two reports was reached.

SETTLEMENT

The final settlement agreement included the following:

- \$148,000 for in-stream and riparian habitat restoration
- \$105,000 for improved recreational fishing opportunities
- \$105,000 for future trustee restoration oversight and continued monitoring of the stream

Total: \$358,000

CONTACT INFORMATION

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